

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BWB CO LTD,  
Plaintiff,  
v.

ALIBABA GROUP (US) INC., et al.,  
Defendants.

Case No. 23-cv-05917-JD

**SECOND ORDER RE DISMISSAL**

Plaintiff BWB Co. Ltd. (BWB) alleges that defendants Alibaba Group (US) Inc., Alibaba Cloud US LLC, and Alibaba.com U.S. LLC (Alibaba) have infringed patents concerning the processing of customs information in e-commerce. Dkt. No. 1. The Court dismissed the prior complaint under 35 U.S.C. § 101 because the patents were directed to patent ineligible subject matter. *See* Dkt. No. 35. The Court expressed “doubt that BWB can amend around” these deficiencies but allowed it to try. *Id.* at 9. BWB filed an amended complaint. Dkt. No. 36.

Alibaba asks again to dismiss the amended complaint under Federal Rule of Civil Procedure 12(b)(6) on grounds of patent ineligibility. Dkt. No. 41. Neither side identified a claim construction question or factual dispute that might preclude a disposition under Rule 12(b)(6). The parties’ familiarity with the record is assumed, and the dismissal order, Dkt. No. 35, is incorporated here. The amended complaint is dismissed with prejudice under Section 101.

Overall, nothing in the amended complaint presents a good reason to change the conclusion that the patents were directed to ineligible subject matter. The core factual allegations in the amended complaint are virtually unchanged from the dismissed complaint. BWB added a few allegations about prior art, Dkt. No. 36 ¶¶ 4-13, and purely conclusory statements to the effect that the claimed invention previously “was not well-understood, routine, or conventional,” *see id.*

at ¶ 21, but did not provide new or different facts that might have resolved the shortcomings identified in the dismissal order. The claimed invention is still directed to the ineligible concept of a method to share information implemented on conventional computer parts. *See, e.g., id.* at ¶ 41.

So too for BWB's legal contentions, which mainly repeat arguments the Court rejected in the dismissal order. For example, BWB says again that the patents claim a non-generic and inventive combination of elements, Dkt. No. 42 at 8, but the Court has already determined otherwise. *See* Dkt. No. 35 at 7-8. There is nothing new in the amended complaint that might warrant reconsideration of this conclusion. BWB suggests the claimed invention is an improvement in computer capabilities, Dkt. No. 42 at 5-6, but the Court has already determined that "its focus 'is not on such an improvement in computers as tools, but on certain independently abstract ideas that use computers as tools.'" Dkt. No. 35 at 7 (quoting *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1354 (Fed. Cir. 2016)). The amended complaint again does not provide a good reason for a fresh look here.

Nothing in the amended complaint changes the punchline for BWB under Section 101. BWB has had a full and fair opportunity to allege eligibility and has come up short. Consequently, the dismissal is with prejudice. Judgment will be entered separately.

**IT IS SO ORDERED.**

Dated: September 5, 2025



---

JAMES DONATO  
United States District Judge